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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,461	06/27/2003	Gregory P. Bowman	BO1-0226US	9379
60483	7590	10/03/2007		
LEE & HAYES, PLLC 421 W. RIVERSIDE AVE. SUITE 500 SPOKANE, WA 99201			EXAMINER MCCORMICK, GABRIELLE A	
			ART UNIT 3629	PAPER NUMBER
			MAIL DATE 10/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/608,461	<b>Applicant(s)</b> BOWMAN ET AL.	
	<b>Examiner</b> Gabrielle McCormick	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/15/2003</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

1. This action is in reply to the application filed on June 27, 2003.
2. Claims 1-43 are currently pending and have been examined.

### ***Information Disclosure Statement***

3. The Information Disclosure Statement filed on December 15, 2003 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

### ***Drawings***

4. The drawings are objected to because Figures 1-6 contain handwritten notations. Additionally, Figure 5 contains the phrase "inline interview". The definition of this term is unclear. The Examiner understood it to be a typographical error with the proper spelling to be "online interview". Appropriate correction is required. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

5. The disclosure is objected to because of the following informalities: The applicant uses the term "inline interview" throughout the disclosure. The definition of this term is unclear. The Examiner understood it to be a typographical error with the proper spelling to be "online interview". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claims 1-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. Claims 1, 2, 7, 10 21, 30 and 37 contain the term "inline interview". The definition of this term is unclear and the specification does not clearly redefine the term. The Examiner understood this term to be a misspelling of "online" interview, however, the applicant should either correct the spelling or properly define the term. Claims 1, 21 and 37 are independent; therefore all dependent claims are similarly rejected.
9. Claims 4 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.
10. Claims 20, 36 and 43 recite the limitation "the job seeker's desire to perform a specific job activity". There is insufficient antecedent basis for this limitation in the claims.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. **Claims 1-14, 21-33 and 37-40** are rejected under 35 U.S.C. 102(b) as being anticipated by Puram et al. (US Pat. No. 6,289,340, hereafter referred to as "Puram").
13. **Claims 1, 21 and 37:** Puram discloses
- *forming an inline interview including a set of job characteristics for a position to be filled;* (col. 4; lines 44-53))
  - *assigning a set of employer rankings for the set of job characteristics;* (col. 5; line 60 - col. 6; line 9)
  - *providing the inline interview to one or more prospective job seekers;* (col. 2; lines 50-53)
  - *receiving a set of job seeker rankings for the set of job characteristics from each of the one or more prospective job seekers;* (col. 4; lines 6-12)
  - *generating a score for each of the one or more prospective job seekers, including comparing the set of employer rankings with the set of job seeker rankings.* (col. 7; lines 23-26).
14. **Claims 2 and 22:** Puram discloses the limitations of Claims 1 and 21, above. Puram further discloses *defining one or more job skills associated with the position.* (col. 6; lines 1-2).
15. **Claims 3 and 23:** Puram discloses the limitations of Claims 2 and 22, above. Puram further discloses *a predetermined set of job skills from a job skills database.* (col. 6; lines 9-11).
16. **Claims 4 and 24:** Puram discloses the limitations of Claims 3 and 22, above. Puram further discloses *an omnibus set of all possible job skills.* (col. 6; lines 62-65).

Art Unit: 3629

17. **Claims 5 and 25:** Puram discloses the limitations of Claims 3 and 22, above. Puram further discloses *a tailored set of job skills according to one or more parameters associated with the position.* (col. 6; lines 12-15).
18. **Claims 6 and 26:** Puram discloses the limitations of Claims 2 and 22, above. Puram further discloses *selecting a standard job skill from a predetermined job skills database, and forming a custom job skill specifically applicable to the position to be filled.* (col. 6; lines 9-11 and 16-31).
19. **Claims 7 and 27:** Puram discloses the limitations of Claims 1 and 21, above. Puram further discloses *defining one or more job tools associated with the position.* (col. 6; lines 1-2).
20. **Claims 8 and 28:** Puram discloses the limitations of Claims 7 and 27, above. Puram further discloses *at least one of: selecting one or more standard tools from a predetermined set of job tools; and defining one or more custom tools specifically applicable to the position to be filled.* (col. 6; lines 1-2; 5-8 and 16-29).
21. **Claims 9, 29 and 39:** Puram discloses the limitations of Claims 1, 21 and 37, above. Puram further discloses *at least one of a quantitative factor and a qualitative factor to each of the set of job characteristics.* (col. 6; lines 6-7 and 32-34).
22. **Claims 10 and 30:** Puram discloses the limitations of Claims 1 and 21, above. Puram further discloses *posting the inline interview on a website of a global computer communication network.* (col. 3; lines 27-31 and Figure 1c).
23. **Claims 11, 31 and 40:** Puram discloses the limitations of Claim 1, above. Puram further discloses *at least one of a quantitative factor and a qualitative factor to each of the set of job characteristics.* (col. 4; lines 18-22).
24. **Claim 12:** Puram discloses the limitations of Claim 1, above. Puram further discloses *computing a score using a plurality of computer-readable instructions embodied in a software routine.* (col. 3; lines 33-39 and col. 8; lines 47-60).
25. **Claims 13 and 32:** Puram discloses the limitations of Claims 1 and 21, above. Puram further discloses *a plurality of first quantitative rankings and the set of job seeker rankings includes a plurality of second quantitative rankings, and where generating a score for each of the one or*

*more prospective job seekers includes calculating a score based on the first and second quantitative rankings. (col. 7; lines 63-65 and Figure 11b).*

26. **Claims 14 and 33:** Puram discloses the limitations of Claims 1 and 21, above. Puram further discloses *a plurality of first qualitative rankings and the set of job seeker rankings includes a plurality of second-qualitative rankings, and where generating a score for each of the one or more prospective job seekers includes calculating a score based on the first and second qualitative rankings. (col. 7; lines 63-65 and Figure 11b).*
27. **Claim 38:** Puram discloses the limitations of Claim 37, above. Puram further discloses *the input/output device is adapted to receive at least one of the set of job seeker rankings and the set of employer rankings via a computer communication network. (col. 3; lines 27-31 and Figure 1c).*

### ***Claim Rejections - 35 USC § 103***

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. **Claims 15-20, 34-36 and 41-43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Puram et al. (US Pat. No. 6,289,340, hereafter referred to as "Puram") in view of Herz (US Pat. No. 6,029,195).
30. **Claims 15, 34 and 41:** Puram discloses the limitations of Claims 1, 21 and 37. Puram further discloses *for each of the set of job characteristics, a difference between a particular employer's ranking and a particular job seeker's ranking and summing over all. (col. 7; lines 48-67 and Figure 11b).*
31. Puram does not disclose *multiplying by a weighted value to produce a product.*

Art Unit: 3629

32. Herz, however in column 22, lines 2-28, discloses multiplying a distance between two object sets by a weighting factor.
33. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included multiplying by a weighting factor, as disclosed by Herz in the system disclosed by Puram, for the motivation of providing a method of specifying "the relative importance of the attributes in establishing similarity or difference..." (Herz; col. 22; lines 22-24).
34. **Claim 16:** Puram in view of Herz discloses the limitations of Claim 15, above. Puram further discloses *required, custom and extra* (col. 6; lines 15-31 (core and custom) and col. 6; line 8 (beneficial)); *skills and tools met and exceeded* (col. 6; lines 1-2; (skills and tools) col. 7; lines 34-37 (fit the needs) and 51-54 (exceeds)); and *desire* (col. 7; lines 12-15).
35. Puram does not disclose *multiplying by a weighted value to produce a product*.
36. Herz, however in column 22, lines 2-28, discloses multiplying a distance between two object sets by a weighting factor.
37. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included multiplying by a weighting factor, as disclosed by Herz in the system disclosed by Puram, for the motivation of providing a method of specifying "the relative importance of the attributes in establishing similarity or difference..." (Herz; col. 22; lines 22-24).
38. **Claims 17 and 18:** Puram in view of Herz discloses the limitations of Claim 15, above. Puram does not disclose equivalent weightings or varying weightings.
39. Herz, however in column 20, lines 23-47, discloses "Not all point estimates ... should be given equal weight" and "point estimates ... should be weighted less heavily..." and "estimate of topical interest...should be weighted more heavily if user V has had more experience..."
40. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a variety of weightings, including equivalent, as disclosed by Herz in the system disclosed by Puram, for the motivation of providing a method of specifying "the relative importance of the attributes in establishing similarity or difference..." (Herz; col. 22; lines 22-24).



Art Unit: 3629

41. **Claims 19-20, 35-36 and 42-43:** Puram in view of Herz discloses the limitations of Claims 16, 34 and 41, above. Puram further discloses *regular and custom* (col. 6; lines 15-31 (core and custom), *skills and tools* (col. 6; lines 1-2; (skills and tools), *desire to perform* (col. 7; lines 12-15) and *experience* (col. 4; line 44).
42. Puram does not disclose varying weightings.
43. Herz, however in column 20, lines 23-47, discloses "Not all point estimates ... should be given equal weight" and "point estimates ... should be weighted less heavily..." and "estimate of topical interest... should be weighted more heavily if user V has had more experience..."
44. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a variety of weightings, including equivalent, as disclosed by Herz in the system disclosed by Puram, for the motivation of providing a method of specifying "the relative importance of the attributes in establishing similarity or difference..." (Herz; col. 22; lines 22-24).

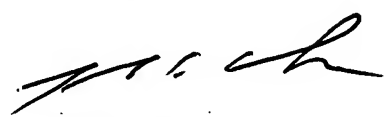
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is 571-270-1828. The examiner can normally be reached on Monday - Thursday (5:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gabrielle McCormick  
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